

REMARKS

Claims 1-39 were pending in this application as of the June 2, 2004 mailing date of the current office action, in which claims 1-34 stood rejected pursuant to 35 U.S.C. §103. Claims 35-39 were previously withdrawn from consideration as being drawn to a non-elected invention. Applicant submits that the rejections of claims 1-34 are either overcome or demonstrated to be inappropriate in view of the amendments set forth above and/or the remarks that follow.

New claims 40-44 are presented herein, wherein each of new claims 40-44 represents a combination of two or more previously pending claims, as explained in the table below:

New Claim	Previously Pending Claims that were combined to result in the New Claim
Claim 40	Claim 5 and Claim 6
Claim 41	Claim 5 and Claim 7
Claim 42	Claim 1 and Claim 4
Claim 43	Claim 1 and Claim 3
Claim 44	Claim 1, Claim 3 and Claim 28

In view of the introduction of claims 40-44, each of claims 1, 3-7 and 28 has been canceled herein without prejudice. Also, claims 2 and 8-14 have been canceled due to their dependency (either directly or ultimately) from one of claims 1, 3-7 and 28.

Also, the dependency of various claims has been amended herein in view of the addition of new claims 40-44 and the cancellation of claims 1, 3, 4, 5, 6, 7 and 28. In particular, the dependencies of claims 15-17, 19-22, 25-27, 29, 31 and 33 have been modified. A summary of the dependency amendments is provided in the table below:

Claim	Previous Dependency	New Dependency
15	Claim 6 or Claim 7	Claim 40 (combination of previously pending claims 5 and 6)
16	Claim 6 or Claim 7	Claim 40 (combination of previously pending claims 5 and 6)
17	Claim 7	Claim 41 (combination of previously pending claims 5 and 7)
19	Claim 6 or Claim 7	Claim 40 (combination of previously pending claims 5 and 6)
20	Claim 4	Claim 42 (combination of previously pending claims 1 and 4)
21	Claim 4 or 20	Claim 42 (combination of previously pending claims 1 and 4)
22	Claim 4 or 20	Claim 42 (combination of previously pending claims 1 and 4)
25	Claim 4 or 20	Claim 42 (combination of previously pending claims 1 and 4)
26	Claim 4 or 20	Claim 42 (combination of previously pending claims 1 and 4)
27	Claim 3	Claim 43 (combination of previously pending claims 1 and 3)
29	Claim 3 or 27	Claim 43 (combination of previously pending claims 1 and 3)
31	Claim 28	Claim 44 (combination of previously pending claims 1, 3 and 28)
33	Claim 3 or 27	Claim 43 (combination of previously pending claims 1 and 3)

As shown from this table, each amended claim depends from a new claim that incorporates the features of at least one claim from which the amended claim previously depended.

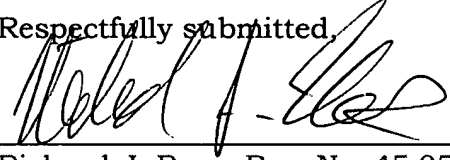
Applicant notes, for the record, that claims 1-14 and 28 are canceled and claims 15-17, 19-22, 25-27, 29, 31 and 33 are amended herein solely to expedite allowance of this application. By amending and canceling these claims, Applicant does not acquiesce to their rejections, or to the reasons offered by the Examiner in support of such rejections. Also, by amending and canceling these claims, Applicant does not dedicate their subject matter - as previously pending - to the public. Moreover, Applicant respectfully reserves the right to seek patent protection for one or more claims that are similar or identical to claims 1-17, 19-22, 25-29, 31 and 33 - as previously pending - in one or more related applications.

Applicant submits that the claim rejections in the current office action are now moot at least in view of the amendments and new claims presented above. In particular, the various features recited in each of claims 40, 41, 42, 43 and 44 are neither disclosed nor suggested by the cited references as summarized by the Examiner in the current office action and as understood by Applicant. In other words, neither U.S. Patent No. 4,729,940 to Nee et al., nor U.S. Patent No. 4,797,316 to Hecq et al., nor a combination thereof describes or suggests the features of claims 40, 41, 42, 43 or 44. Any assertion to the contrary would represent impermissible hindsight, which has been explicitly proscribed by the U.S. Court of Appeals for the Federal Circuit (see, e.g., *Crown Operations International Ltd. v. Solutia Inc.*, 62 USPQ2d 1917, 1922 (Fed. Cir. 2002)).

In sum, Applicant submits that claims 40-44 are patentable over the cited references, and are thus allowable. And wherein each of the other pending claims depends (either directly or ultimately) from at least one of claims 40-44, those claims are allowable as well. Therefore, reconsideration and allowance of the pending claims (i.e., claims 15-17, 19-22, 25-27, 29, 31, 33 and 40-44) are respectfully requested.

If the undersigned can be of any assistance in advancing the prosecution of this case, the Examiner is invited to contact him through the information given below.

Date: August 25, 2004

Respectfully submitted,

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